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Date: December 30, 2003

Docket No.: 0147-0259P

MS PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional ☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/485,187 filed on June 26, 2000, the entire contents of which are hereby incorporated by reference,
by

Marion KWART; Jorg RIESMEIER; Lothar WILLMITZER

for

PROCESS FOR INCREASING THE YIELD IN PLANTS BY EXPRESSING STABLY
INTEGRATED RECOMBINANT POLYPEPTIDES

1. ☒ Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).

2. ☒ The filing fee has been calculated as follows:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$770.00	\$385.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	12-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	3-3 =	0	x 86 = \$0.00	x 43 = \$0.00
<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00	+ \$145.00
		TOTAL	\$1,060.00	\$0.00

3. ☒ A check in the amount of \$1,060.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☒ Enclosed is/are seventeen (17) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 09/485,187 on _____. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to Max-Planck-Gesellschaft zur Forderung der Wissenschaften e.V..
8. ☐ A Preliminary Amendment is enclosed.
- 9a. ☐ Priority of Application No(s). _____ filed in _____ on _____ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on _____.
- 9b. ☒ Priority of International Appln. PCT/EP98/04878 filed on August 5, 1998 under the Patent Cooperation Treaty and German Application No. 197 34 218.3 filed in _____.

Germany on August 7, 1997 under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

11. ☒ Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

or

Customer No. 02292

12. ☒ An extension of time for one (1) month(s) until January 2, 2004 has been submitted in parent Application No. 09/485,187 in order to establish co-pendency with the present application.

13. ☒ Also enclosed herewith is the following:

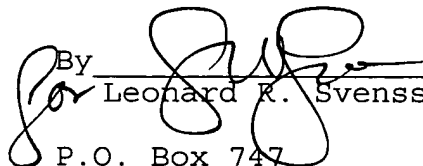
Certificate of Mailing (Label No. EV 286058535 US)

Sequence Listing Paper and CRF Disk *The sequence listing on the CRF Disk is identical to the paper copy.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #47,604
Leonard R. Svensson, #30,330
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LRS/SWG/sbp
0147-0259P

Attachment(s)

MS PATENT APPLICATION
PATENT
0147-0259P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Marion KWART et al. Conf.:
Appl. No.: NEW Group:
Filed: December 30, 2003 Examiner:
For: PROCESS FOR INCREASING THE YIELD IN
PLANTS BY EXPRESSING STABLY INTEGRATED
RECOMBINANT POLYPEPTIDES

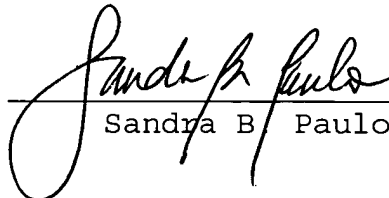
EXPRESS MAIL CERTIFICATE

DATE DEPOSITED: December 30, 2003

I hereby certify that the enclosed DIVISIONAL APPLICATION AND RELATED DOCUMENTS are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to MS PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.: EV 286058535 US

Date: December 30, 2003


Sandra B Paulo

Mailing Address:

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